

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

George H. Kalberer,

Case No. 13-1665 PJS/FLN

Plaintiff,

v.

ORDER

William Palmer et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated December 28, 2015, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Plaintiff's motion for summary judgement is **DENIED** (ECF Nos. 123 and 124) and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 01/13/16

s/Patrick J. Schiltz

PATRICK J. SCHILTZ

United States District Court Judge